

## House Republican Press Release

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### FORUM

#### Now is time to fix eminent domain flaws



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THE U.S. Supreme Court this summer after five years of litigation provided no finality to the troubling and contentious eminent domain dispute between New London property owners and an overreaching government development agency. And in recent days, this festering fight somehow managed to turn even uglier.

The attempts by the New London Development Corp., or NLDC, to evict the remaining Fort Trumbull residents from their homes despite the agency's stated adherence to a nonbinding statewide moratorium on any eminent domain proceedings proved two things. First, the NLDC cannot be trusted. Second, the Democratic leaders in Hartford were lip-synching when they publicly supported the moratorium.

The Democrats' initial willingness to side with the NLDC and their sleight-of-hand, painfully parsed explanation that the voluntary moratorium didn't apply to New London was proof of their complicity.

Republicans have called for a special session to restore property owners' rights and once and for all clarify the uses of eminent domain for the entire state. There is no good reason to delay and, as the most recent actions in New London show, every impetus to amend our state statutes as the high court urged.

On July 13, Democratic leaders wrote to every chief elected official in the state, including New London: "It is our intention that any legislation we enact will affect existing proceedings. We therefore strongly recommend that your municipality put any current or planned eminent domain proceeding on hold."

Bridgeport recently announced plans to take property in Steel Point by eminent domain and Norwalk continues to pursue the taking of a car dealership. So much for a moratorium. Are the Democratic leaders so beholden to the big city developers and big city mayors that they can't listen to the public?

The time has long passed to act. Eleven other states have moved to restrict eminent domain proceedings in the wake of the U.S Supreme Court ruling. Why not Connecticut? The court upheld the state's eminent domain laws as constitutional, but stated that if Connecticut's legislature thought the statutes were too broad, they should be amended.

There have been seven public hearings in Connecticut on proposed bills and another one is scheduled. It has been more than 90 days since the court ruling. The next regular legislative session lasts only 84 days.

Why the reluctance to move on such a critical matter that affects all property owners and potentially renters who could find themselves in the cross hairs of a developer with greater designs on their land? Opinion polls put the public's opposition to NLDC's property seizure at nearly 90 percent.

Other states have seen the dangers highlighted by the Kelo case when the traditional, commonly accepted uses of eminent domain for public works projects are subverted in order to squeeze more tax receipts out of the ground of a cash-strapped city.

There are several common sense changes the legislature can adopt that will save the New London homes and restrict the uses of eminent domain for all of Connecticut:

- Repeal the provision allowing property seizure for economic development.
- Tighten the definition of "blighted" properties.
- Create an office of eminent domain ombudsman.
- Ban charging rent to those who appeal the taking of property.
- Determine compensation for the property taken at the end of the appeal process, not at the beginning.

At the very least, a moratorium is needed now to prevent a repeat of the New London debacle.

The ultimate indignity is that this overreaching government and its designated development agency need not have come this far. The remaining homeowners could have their houses incorporated into the development plan if one is actually created after all this calamity. The city and NLDC already lay claim to a development footprint that exceeds the World Trade Center site. They don't really need more.

After tens of millions of state funds were poured into New London, the project is stalled because of the prolonged litigation and the intransigence of an agency unwilling to listen to the will of the people. Legislative action can put the process back on track and put an end to this mess. We should do so in a special session or we will hear new excuses in the next regular session.

Republicans have launched a petition to force the special session, but Democratic leaders have told their members not to sign on. We hope they will put partisanship aside and join us in protecting homeowners.

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